

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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X
UNITED STATES OF AMERICA

Respondent

No: 03 Cr. 1277 (WHP)

12CV 6632

vs.

MOTION TO SEAL RECORDS

RODERICK GUNN

Petitioner

X

COMES NOW, Petitioner Roderick Gunn, respectfully, in support of his Motion To Vacate, Set Aside and Correct Sentence, pursuant to 28 U.S.C. §2255, request of this Court to enter a sealing Order to seal subsection "E" of Ground Four, [Counsel Failed To Challenge The Government's Breach Of The Proffer Agreement], of the 2255 Memorandum of Law attached to the 2255 Habeas Corpus form.

Petitioner submits that based on the sensitive nature of the information in this section of his Memorandum of Law, which information, in past times, have created violent retribution against petitioner by inmates in the penitentiary, it is hereby requested for this portion of the Memorandum of Law to be filed under seal, or in the alternative, for the court to enter a redaction Order to redact all entries of the

following words: (1) Proffer Agreement; (2) Proffer or Proffer Statements; (3) Immunized Statements; (4) Immunity Agreement; (5) Immunized Testimony; (6) Immunized information; (7) Immunity

In addition, petitioner seek of this court an order, if available by the Local Rules, or ^{any} governing authorities, to have his initial case, United States v. Gunn, 03 Cr. 1277 (WHP), be removed from the Lexis nexis site, on the grounds that the court's detailed Memorandum and Order, denying petitioner's Motion To Withdraw his plea, which Memorandum and Order outlined the attempted corporation and corporation agreement with the government, has created excess and violent retribution against petitioner since being housed in the BOP [Penitentiary]. Petitioner humbly seek of this court to order for such entries related to U.S. v. Gunn aka Tyrone Coleman, and other public records outlining the attempt corporation, to be redacted, or removed from the public viewing on the Lexis sites.

Petitioner humbly advise the Court that he has been sentenced to Life Imprisonment term which placed him at penitentiary status, and that the public records easily accessible on the prison computers via Lexis, are potential causes for violent reprisal from other inmates. Petitioner would like to remind this court that prior to sentencing on 03 Cr. 1277 (WHP), counsel had requested of the court to seal petitioner's sentencing transcripts for this very purpose, which the government did not objected to and which request the court had

granted. Petitioner now request of this court to enter an order concerning all actions this Court proceeded over, wherein which, the court made a detailed outline about the attempted corporation, which information has created violent retribution against petitioner, and which acts will continue as long as petitioner is housed in a United States Penitentiary. See United States v. Davis, LEXIS 86087; U.S. v. Davis, LEXIS 19401. These are additional criminal actions this court had proceeded over, which provided sensitive information which is used by inmates against petitioner in the Penitentiary.

Petitioner now request of this court enter an Order to seal Section E of Ground Four, in his 2255 Memorandum of Law, and an Order to redact the sensitive information that outlined the attempted corporation with the government in the other listed criminal proceedings presided over by this court. Petitioner also requests of this Motion To Seal Records, be filed under seal, and the response [whether granted or denied] by the Court, be filed under seal, in the interest of petitioner's safety.

Respectfully submitted

Dated: August 16, 2012



Roderick Gunn.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

vs.

No: 03 Cr. 1277

RODERICK GUNN

AFFIDAVIT

X

I, Roderick Gunn, the Petitioner in the above action, duly sworn, deposes and says:

(1) that all the information mentioned in the Motion To Seal Records, are truthfully stated.

(2) that after my sentence in 06 Cr. 911 (WHP), I was designated to USP CAANAN.

(3) that based on the court's public disclosures of the attempted corporation with the government, which are easily accessible from the law library at the prison, inmates plotted against me to attack me, without my knowledge.

(4) that an inmate notified me of the plot.

(5) that I was confronted in the dining hall at USP Cannan by other inmate with the Lexis Nexis print off in U.S. v. Gunn, aka Tyrone Coleman, and was threatened to get off the compound.

(6) that I immediately went into protective custody, where I was held in the SHU for approximately three months, then transferred to USP Atwater.

(7) that as long as these information are publicly disclosed on the prison law library site [Lexis Nexis], I'm a potential target for violent attacks once housed in a United States Penitentiary.

Wherefore, I am respectfully requesting of this court to grant the relief sought.

Roderick Gunn

August 16, 2012

R. Gunn